

Remarks/Arguments

Summary

Claim 15 has been amended to re-amplify the clearly expressed nature of the recited “air purge line.” Claims 15-19 and 21-22 remain pending for consideration.

Claim Rejections - 35 U.S.C. § 102/103

The Office Action again variously rejected claims 15-19 and 21-22 over Hasegawa et. al (U.S. Patent No. 5,795,399). Ignoring the clear language in the single independent claim and related distinctions made in the response dated February 8, 2005, this rejection was made final.

In maintaining the rejection of independent claim 15, the Office Action states that “the claims fail to recite that the air purge line is capable of exhausting gas” (See, Office Action at paragraph 21, line 5). Applicants believe that this aspect (or capability) of the recited air purge line is expressly manifest by use of the adjective “purge” in relation to this particular line. The word “purge” means “to cause evacuation from.” (See, the Marriam-Webster Online dictionary).

This existing language notwithstanding, applicants are willing to further highlight this feature of by further reciting “an air purge line *adapted to supply and exhaust gas*” (emphasis added).

As previously noted, the line extending from element 34 in Hasegawa only supplies gas; no gas is exhausted through this line. Accordingly, formerly

pending and currently amended claim 15 clearly defines over Hasegawa.

Likewise, for at least the same reasons, claims 16-19 and 21-22, which depend from claim 15, also define over Hasegawa.

Entry of the further highlighting language after final rejection is proper under 37 C.F.R. 1.116.

In a series of telephone calls, the undersigned attorney has been lead to believe that the examiner feels that the proposed language adds something new to claim 15, and therefore addition of the propose language would necessitate an additional search. This position can only be taken seriously if the examiner: (1) disregards for a second time the clear meaning of the term “purge” in claim 15; and then also, (2) disregards for a second time the very clear arguments presented by applicants in relation to this line.

Applicants were quite clear in their former arguments that “an air purge line” capable of supplying “the load-lock chamber with air . . .” MUST be capable of providing bi-directional air flow. This argument was utterly dismissed by the examiner with a statement noted above that “the claims fail to recite that the air **purge** line is capable of exhausting gas.” (See, Office Action made final at page 4, emphasis added). By this statement, applicants can only assume that the examiner now requires a further, redundant, and express recitation in the language of claim 15 as to what the term “purge” ought to mean to one of ordinary skill in the art.

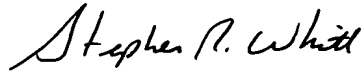
Applicants are willing to take this unnecessary step. However, the examiner can not in good conscience subsequently take the position that the addition of this superfluous language now necessitates and a further search of the art. That is, the examiner may not selectively ignore some of the unambiguous language of claim 15 and also ignore arguments directed to the exactly this unambiguous language, in order to mandate incorporation of language that is clearly redundant in view of the unambiguous language, and then demand a new search on the basis that such additional language describes an unrecognized and un-searched feature.

If the term “purge” was overlooked by the examiner in her former consideration of the claims, particularly in view of the express arguments made in relation to the capabilities indicated by the term “purge,” applicants should not now bear the burden for this oversight. If the examiner did in fact not consider this express and argued aspect of claim 15, then the final nature of the current office action should be withdrawn and another search may be conducted.

However, applicants believe that the language of the pending claims (before or after the current amendment) clearly distinguish over the art of record, and that the claims are in condition for allowance.

Respectfully submitted,

Valentine Francos & Whitt, PLLC



Stephen R. Whitt
Reg. No. 34,753

Date: June 20, 2005

VOLENTINE FRANCOS & WHITT, PLLC
One Freedom Square
11951 Freedom Drive, Suite 1260
Reston VA 20190
Tel. (571) 283-0720
Fax (571) 283-0740